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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: CORRINA CURIEL LONA,
Debtor.

No. C-08-03563 RMW
ORDER DISMISSING APPEAL
[Re Docket Nos. 16, 17]

CORRINA CURIEL LONA,
Appellant,

v.

JOSE ABREU dba INTERTEL
COMMUNICATIONS,
Appellee.

On January 21, 2009, the court granted debtor Corrina Curiel Lona's motion for an extension of time to file her opening appellate brief. The court set a deadline of February 6, 2009. *See* Docket No. 16. In that order, the court cautioned: "A failure by Lona to file her appellate brief by February 6 will result in the court issuing an order to show cause why the appeal should not be dismissed for want of prosecution." *Id.* at 2 (emphasis in original).

Lona did not file a brief by February 6. On February 10, she filed a "withdrawal of appeal" "due to the burdens of representing oneself and the learning curve involved in doing so." The court

1 interprets this document as a motion to voluntarily dismiss the appeal. *See* Bankr. Rule 8001(c)(2).
2 As the appellee has already filed a motion to dismiss the appeal for lack of prosecution, the court
3 grants Lona's motion to dismiss the appeal. The clerk shall close the file.

4
5 DATED: 2/12/2009



RONALD M. WHYTE
United States District Judge

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21 **Honorable Roger L. Efremsky**

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26 **Dated:** 2/13/2009

TSF
Chambers of Judge Whyte